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TWICE A WEEK, \$1.50 A YEAR.

The Appropriation Bill Increased By The House

FUND FOR PROHIBITION ENFORCEMENT \$50,000

COALITION BETWEEN MILITIA AND PROHIBITIONISTS?

Liles Chain Gang Bill Well Under Way—State Warehouse Appropriation—Other Matters.

(By Jno. K. Aull.)

Columbia, Feb. 7.—The house has practically finished with the appropriation bill, and it will go to the senate next Tuesday night, when the two bodies reconvene, after an adjournment since Friday, the senate having adjourned Friday afternoon and the house Friday night, until Tuesday night. The house on third reading will readjust the bill to make the totals conform to the changes and the recapitulation be in keeping.

The more important amendments to the bill included the \$50,000 for prohibition enforcement and the \$25,000 for militia indebtedness to the Federal government, allowed to be borrowed if necessary; the increase in the appropriation for the state warehouse commission, the increase in the fund under the Smith-Lever act and the increase in the litigation fund for the attorney general's office. The ways and means committee had cut down the attorney general's litigation fund and the appropriation for the warehouse commission, but these departments were given the same appropriations by the house as last year, the ways and means committee finally consenting.

The statement was openly made in the house that a coalition had been formed between the prohibitionists and the militia supporters to get the \$50,000 for prohibition enforcement and the \$25,000 for the militia. This \$25,000 is to pay the federal government for lost equipment. The house did not make direct appropriations for these two amounts, but authorized that they be borrowed, if necessary. The amendment is as follows:

The \$75,000 Fund.

Section 41. Add at the end of section 41 the following: "Provided, that if measures pending in congress shall fail to relieve the militia of this state of the charges now levied against the militia by the war department in Washington, and provided the governor and adjutant general of the state shall have exhausted all means to have the war department relieve the militia of this state of said charge, and shall be convinced that the charge is a just and honest obligation of the State, then the governor, the comptroller general and the state treasurer be, and they are hereby, authorized and required to pledge the credit of the state for an amount not exceeding twenty five thousand (\$25,000) dollars, at such time as the obligation must be discharged, and pay and discharge the debt of the militia to the war department: Provided further, that shall the exigencies in any municipality or county in this state justify or require extraordinary measures to enforce the prohibition law, now in force and recently enacted, that the governor of the state may expend in his discretion fifty thousand (\$50,000) dollars or so much thereof as may be necessary, to enforce said laws, and shall such funds be found necessary, the governor, the comptroller general and the state treasurer shall be, and they are hereby, empowered and required to pledge, the credit of the state at such time and for such amounts as may be necessary to enforce such laws, not to exceed fifty thousand (\$50,000) dollars."

How They Voted.

The first proposition was on Mr. Dixon's amendment to the Wagon amendment. This was adopted and provided that the governor shall at the next session of the legislature submit a report in which shall be stated the county or counties in which any part of this fund is used and the amount so used in each county.

The house voted down Mr. LaGrone's amendment, which provided that constables should not be sent to a county until asked for by the grand jury of

that county.

On the adoption of the Wagon amendment the vote stood as follows: Ayes, for the amendment.

Nays, against the amendment:

Yeas—Speaker Jas. A. Hoyt, Arnold, Atkinson, Belser, Bolt, Bowles, J. W. Boyd, R. D. Boyd, Brown, Charles, Crum, Dennis, Dixon, Durst, Folk, J. J. M. Graham, S. A. Graham, H. H. Harris, H. W. Harris, Huffman, Hutchinson, Hutto, Jackson, Johnstone, LaGrone, LeGrand, J. T. Liles, Lofton, T. M. Lyles, McInnes, McKeown, McMahon, Malpass, J. M. Martin, Means, Mills, Morrison, Mower, Oxner, Robinson, Rush, Russell, Sellers, Shuler, Sumner, Toole, Wagon, J. F. Walker, Jr., J. L. Walker, Wallace, Wingard, Wood, Wright—53.

Nays—Austin, Berry, Bradford, Brigham, Bruns, Carey, Cherry, Dantzler, DesChamps, Dew, Etheredge, Fant, Fromberg, Graydon, Hammond, Harper, Hubbard, King, Lane, McLaurin, Velfi, Momeier, Moore, Muldrow, Nunn, Odum, Ramsey, Sanders, Searson, Senesey, Smith, White, Williams, Wolfe, Workman—35.

Pairs—McCullough and Friday; Beckett and Friday; Bailey and Massey.

State Warehouse Appropriation.

The ways and means committee had cut the appropriation for the warehouse commissioner down from \$15,000 to \$10,000 which would have been a tax upon the commission and would practically have abolished the system. The agricultural committee of the house proposed amendment increasing the amount of the appropriation to \$15,000, the same as last year, and allowing the commissioner to use such of the income of the commission as might be necessary in the proper conduct of the business. Both these amendments were adopted by the house, and if they are concurred in by the senate will place the commission upon a proper financial footing.

In the appropriation bill there was an item of \$15,691 to take advantage of the federal appropriation under what is known as the Smith-Lever act. It was pointed out that to continue this fund in South Carolina the sum of \$31,382 would be necessary, and the ways and means committee consented to the increase on the floor of the house.

The house also inserted an appropriation of \$1,800 to buy a linotype for the printing school at the Deaf, Dumb and Blind institute.

The increases, including the \$75,000 to be borrowed, aggregate about \$100,000.

Liles Chain Gang Bill.

There was a strenuous fight in the senate on the Liles bill making violations of the prohibition law punishable by service on the chain gang, without the alternative of a fine, but the bill passed a second reading by a large majority. The fight will be continued on third reading. The test vote was on Senator Laney's amendment allowing the judge to impose a fine upon conviction the first time.

Those who voted to table the Laney amendment, and thus for the Liles bill making it a straight chain gang offense for blind tigers, were: Beauguard, Beattie, Black, Buck, Carlisle, Christensen, Earle, E. C. Epps, R. D. Epps, Evans, Ginn, Gross, Alan Johnston, Kittich, Lide, Mullins, Nicholson, Nickels, O'Dell, Padgett, Sherard, Spigner, Verner, Walker, Wightman—Total 25.

Those who voted nay, for the Laney amendment for the option of a fine, were: Banks, Brice, Goodwin, Hughes, Laney, Lee, McCown, Sharpe, Sinkler, Stuckey, J. F. Williams, D. Reese Williams—Total 12.

The following pairs were announced: DuRant, aye, with Harvey, nay; Richardson, aye, with D. B. Johnson, nay. Senator J. A. Banks of Calhoun county offered an amendment allowing the judge to suspend all of the sentence on the first offense, but it was voted down, 23 to 16. Senator Williams of Aiken offered an amendment to allow the judge to impose a fine where he believed the crime was committed unintentionally. This was killed, 17 to 20. An amendment by Senator DuRant of Clarendon which would exempt those convicted of transporting and storing

illegally, was also killed.

The bill has already passed the house, and there seems to be hardly any doubt of its passing the senate and going upon the statute books of the state.

Other Matters of Interest.

The bill creating the 14th judicial circuit out of Colleton, Jasper, Hampton and Beaufort counties and leaving Charleston alone in the 9th circuit was, on motion of Senator Sinkler, made a special order for Tuesday.

The senate spent nearly two hours debating the bill giving John M. Graham permission to sue the state. By a vote of 11 to 16 the senate refused to strike out the enacting words and the bill then went to third reading.

The bill providing for the left-over liquor in former dispensary counties to be sold outside the state by the sheriffs passed third reading and went to the house. The bill was amended by Senator Sinkler so as to allow the old dispensary board in Charleston instead of the sheriff to handle the sale of the left-over liquor there.

Clearing the Decks.

With the appropriation bill practically disposed of by the house, the bill to abolish the tax commission and the Verner bill to abolish free scholarships the highway commission bill having been killed by the house, the Liles chain gang bill well on its way to the statute books, and a way having been determined upon to provide the \$50,000 for enforcement of prohibition, the legislature, when the senate gets through with the appropriation bill, can either tackle rural credits and other measures on the calendar, or it can adjourn. Adjournment could be reached this week, but it is hardly probable at this writing.

Superintendent of Insane Asylum.

When the \$5,000 appropriation for the salary of the superintendent of the State Hospital for the Insane was reached by the house, there was opposition, but the appropriation was carried by a good majority.

Legislators as College Trustees.

Mr. W. Banks Dove, chief clerk in the office of the secretary of state, has sent to the house a memorandum containing the names of those who have qualified as trustees of various state colleges in the last six years. They are: For the University of South Carolina, August Kohn, C. E. Spencer, W. T. C. Bates, W. M. Hamer, David R. Coker and J. Q. Davis; for Winthrop college, T. A. Crawford, W. L. Glaze, John E. Breazeale and W. J. Roddey; for the Citadel, none; for Clemson college, W. D. Evans (deceased), S. T. McKeown, R. H. Timmerman. The report from the secretary of state's office was made in response to a resolution passed by the house. "It reveals that in some instances preliminary requirements for commission as a trustee have not been complied with."

The Columbia Record says editorially in regard to this matter:

"Then all this talk of certain legislators and other office holders being trustees of state colleges in violation of the law must be a mistake!"

"Upon reflection, we are convinced that Winthrop certainly must have more than four trustees, the Citadel must have some, and Clemson must have more than two. Reference to the report of the state superintendent of education shows that Clemson has six and Winthrop has seven trustees elected by the general assembly."

"If these trustees have been elected and have not qualified, then their places surely must be vacant and should be filled by persons who would observe the statute law of the state as expressed deliberately and pointedly in section 535 of the Criminal Code:

"It shall be unlawful for any person to assume the duties of any public office until he has taken the oath provided by the constitution, and been regularly commissioned by the governor. The term 'public officers' shall be construed to mean all officers of the state that have heretofore been commissioners, 'the trustees of the various colleges of the state,' members of various state boards, and other persons whose duties are defined by law."

"And if some who are now holding commissions from the state or federal or municipal government should endeavor to qualify as trustees, this act of theirs would be illegal, for the constitution itself says that 'no person shall hold two offices of honor or profit at the same time.' Provided, That any person holding another office may, at

Thomas H. Peebles Record As Attorney General

(By Leon M. Green.)

Thomas H. Peebles, attorney general of South Carolina and vice president of the National Association of Attorneys General of the United States, has the further distinction of being the youngest attorney general in this country. He is recognized in South

phant. During the year 1915, two insurance cases in which the position of the insurance commissioner was sustained, came before the supreme court of the United States. These two cases were as follows:

The State, ex rel. Phoenix Mutual Life Insurance Company, plaintiff in error, vs. F. H. McMaster, Insurance



Thos. H. Peebles, Attorney General.

Carolina as an able and efficient officer and one who conducts the affairs of his office in a most orderly manner. He has recently announced that he will stand for re-election in the primaries next summer, and he is now entering upon the fourth year of service as attorney general of this state.

Mr. Peebles comes of a family distinguished throughout the generations for public service; is a descendant of the Peytons and Randolphs of Virginia; his father's people are the old settlers of Barnwell district, in South Carolina. He is a direct descendant of Darling L. Peebles, who was a pioneer in what is now known as Barnwell county and was the first clerk of court of the district, and was one of the promoters of the old Georgia railroad, which was the first steam road of the South and the second in the United States. Mr. Peebles' mother is of the Hay family, whose record runs back throughout the history of Barnwell county.

"Tom" Peebles went to the high school in Hartsville and in Batesburg, and later to the University of South Carolina to study law. Immediately after finishing his course at Carolina, he went back to his home county to practice law in Blackville. In the summer of 1910 he was elected to the general assembly and served two years in that body, during 1911 and 1912. In the primaries of 1912, he was elected to the office of attorney general, and re-elected in 1914. As attorney general he has ever been mindful of the interest of the people of the state and has combined efficiency and economy in handling the affairs of his office. During the whole of the three years that he has served, hardly more than \$300 has been expended for attorneys' fees. During the year 1915, no attorneys' fees were paid, although many matters of litigation were handled by the attorney general's office. Very few cases have been lost, and during 1915, none of the very important cases that came within the jurisdiction of the attorney general's office to handle were lost.

Mr. Peebles has conducted many interesting cases for the state. In the first year that he was in office the bank tax cases were up for consideration and in this litigation the attorney general's office came out triumphant.

the same time, be an officer in the militia or a notary public."

"The very fact that the constitutional convention paused long enough to exempt notaries and the militia is clear that it did not intend to include college trustees, school trustees, legislative or executive clerks provided for in the statutes, county attorneys and others too numerous to be mentioned. "It was the policy of the constitutional convention to decentralize office holding in South Carolina."



Fred H. Dominick, Asst. Atty. General.

Commissioner, defendant in error; and The State, ex rel. Louis Sherfesse and S. F. Covington, plaintiffs in error, vs. F. H. McMaster, defendant in error. These two cases had been pending in the supreme court of the United States for some time and involved powers of the insurance commissioner in so far as the same relate to the license of foreign insurance companies to do business in South Carolina, and the requirement of the insurance commissioner as to investments in South Carolina securities, etc. The two cases were argued together by the attorney general and the assistant attorney general on the 12th day of March, 1915, and on the 5th day of April, 1915, the judgment of the lower court was affirmed with costs, and the position of the insurance commissioner was sustained.

Joe Malloy, T. U. Vaughn and Willie Bethune, capital cases, were appealed to the United States supreme court by writ of error, under the contention that the crimes had been committed before the enactment of the statute changing the mode of punishment from hanging to death by electrocution. The attorney general was victorious in these cases.

A notable case also in which the attorney general was sustained was the extradition proceedings affecting Frederick Brown, alias Joe Grant, from Pennsylvania to South Carolina. Joe Grant was ordered to be returned to the state after having remained a fugitive from justice for many years.

Of extreme importance was the prohibition case decided by the state supreme court during 1915. This action was brought by John Henry Chappell, petitioner vs. R. M. McCown, secretary of state, S. T. Carter, state treasurer, C. W. Sawyer, comptroller general, and the commissioners of election of Richland county, respondents. This was an action brought in the original jurisdiction of the supreme court, seeking to enjoin the holding of the prohibition election provided in Act No. 76, Acts of 1915, page 188. In this motion the constitutionality of the act was attacked. The return on the part of the respondents, filed by the attorney general, denied the jurisdiction of the court to issue an injunction against the holding of the election and also denying the allegations respecting the constitutionality of the act. The injunction was refused, thus bringing to the attorney general's office another victorious wreath.

In the case affecting the tax commission, created at the last session of the general assembly, the position taken by the attorney general in the hearing before Judge Watts was sustained by the supreme court. The appeal is now pending in the United States supreme court. Irregularities were charged against the tax commission in the making assessments on property in South Carolina, on which the tax commission was attacked.

Mr. Peebles, in co-operation with the

officials of the State of New Hampshire, was successful in getting a withdrawal of a suit for \$30,000 against the state for certain bonds issued in 1869.

These are but a few of the cases in which the attorney general appeared during the year 1915. Seven appeal cases in addition were argued by the attorney general's office in the supreme court. About twenty cases came up in the court of common pleas, in which the attorney general's office was interested as a representative of the state or some department of the state government.

One case brought by the city council of Augusta, Ga., against auditor, sheriff and treasurer of Edgefield county, was handled in the district court of the United States on the question of jurisdiction.

In the very first report he made to the general assembly Mr. Peebles called attention to the violation of the laws of this state with regard to trusts and monopolies, and he referred to the combination of water powers and to the merger of manufacturing companies. In his report which is submitted to the general assembly, he has the following to say:

"I recommend that our statutes be changed so that we make investigations with regard not only to public service corporations, but also with regard to the violation of our monopoly laws without, as it is now confined to contemplated action, but it should extend for the purpose of ascertaining whether there should be any action or not; the defect in our law consisting in whether the attorney general should in good faith intend to bring an action, and not upon the purpose of ascertaining whether the state should take appropriate action. This I can not do without an investigation. The interests of our corporations and of our citizens, who have invested in them, ought not to be disturbed unless there is probable cause to find fault with their action and with their conduct. I should be the last one to suggest that we should give unnecessary trouble by bringing action which would only result in bringing injury to them without advantage to the state. In the carrying out of these recommendations, it is necessary that I should have appropriate funds given me to carry into effect the obligations upon the statutes of the state impose upon the attorney general. If I have not the funds, I can do nothing, and I hope that the general assembly will deal with the office in a proper and liberal way, having in view economy, but at the same time efficiency, if action is expected to be brought by me in these matters."

It has been Mr. Peebles' endeavor to keep the state out of as much litigation as possible. In his annual report to the general assembly as to the duties of his office, he says:

"As stated in my former report, during the time I have been attorney general of South Carolina, my effort has been to serve all of the several state departments in every manner possible so that I might thereby assist them in carrying on their duties in accordance with the law and in a proper and orderly manner. The most important service that can be rendered or is rendered by the attorney general's office is by way of counsel and advice in connection with the work of the various departments of the state government and has been the case during my term at attorney general, also with various officers throughout the state. In this way many matters are handled of the utmost importance that never come before the courts at all. I conceive it to be my duty and have always endeavored, if possible, to keep the state out of litigation, and if it can be done without injury to the public service, for in that way, in my opinion, the interests of government are more properly served."

With the knowledge that he has done his duty by the people of the state who elected him to the high office he holds, Mr. Peebles now comes before the voters and asks the people to re-elect him on the record that he has made. One who has observed very closely the attorney general's demeanor was heard to remark a few days ago: "There is one thing I can say for from Peebles, above everything else in connection with his office, and that is, that he has shown no political favoritism. He has been uniformly courteous and extremely anxious to help the members of the

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